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Michael H. Gilbert

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PITNEY BOWES INC.

INTELLECTUAL PROPERTY & TECH. LAW DEPT.

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SHELTON, CT 06484

EXAMINER

KRAMER, JAMES A

ART UNIT

PAPER NUMBER

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NOTIFICATION DATE

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ELECTRONIC

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1 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES
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8 *Ex parte* MICHAEL H. GILBERT
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11 Appeal 2011-000629
12 Application 09/728,152
13 Technology Center 3600
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17 Before MURRIEL E. CRAWFORD, HUBERT C. LORIN, and
18 ANTON W. FETTING, *Administrative Patent Judges*.
19 FETTING, *Administrative Patent Judge*.

20 DECISION ON APPEAL

STATEMENT OF THE CASE¹

Michael H. Gilbert (Appellant) seeks review under 35 U.S.C. § 134 (2002) of a final rejection of claims 8, 17, and 18. We have jurisdiction over the appeal pursuant to 35 U.S.C. § 6(b) (2002).

This is the second time this application has come before the Board. The same art that was applied in the prior appeal is applied here, although the manner in which they are applied differs. The sole independent claim, claim 1, has been amended since the prior appeal. Out of claims 1-18 standing rejected, the Appellant appeals only dependent claims 8, 17, and 18.

The Appellant invented a billing and payment processing system (Specification Page 1, lines 2-5).

An understanding of the invention can be derived from a reading of exemplary claim 1 which is reproduced below [bracketed matter and some paragraphing added].

1. A method of generating and processing billing and payment information utilizing computing units connected to a network for a service provided cooperatively by multiple tiers, the method comprising the steps of:

[1] collecting by a first computer unit usage information by a direct feed of raw data of the service from a meter by a customer from one of a first tier of the multiple tiers or a third party;

¹ Our decision will make reference to the Appellant's Appeal Brief ("App. Br.," filed March 8, 2010) and the Examiner's Answer ("Ans.," mailed June 9, 2010).

- 1 [2] integrating by a second computer unit the usage
2 information with customer profile information of the customer
3 provided by a second tier of the multiple tiers;
- 4 [3] generating by a third computer unit billing information
5 based on the usage information, the customer profile
6 information, and rate information for the service;
- 7 [4] generating by a fourth computer unit the bill based upon the
8 billing information to the customer in the form of electronic
9 data with billing information suitable for printing; and
- 10 [5] transmitting by a fourth computer unit the bill, to an
11 optimal mailing location for printing and mailing to the
12 customer.

13 The Examiner relies upon the following prior art:

Savage et al. US 2002/0026394 A1 Feb. 28, 2002

Carlin et al. US 6,697,843 B1 Feb. 24, 2004

14 Claims 1-5 and 8-16 stand rejected under 35 U.S.C. § 103(a) as
15 unpatentable over Savage.

16 Claims 6 and 7 stand rejected under 35 U.S.C. § 103(a) as unpatentable
17 over Savage and Carlin.

18 ISSUES

19 The issue of obviousness turns on whether Savage describes the
20 limitations added by claims 8, 17, and 18.

FACTS PERTINENT TO THE ISSUES

The following enumerated Findings of Fact (FF) are believed to be supported by a preponderance of the evidence.

Facts Related to the Prior Art

Savage

01. Savage is directed to a system and method for creating combined billing statements for customers of multiple vendors on a single periodic statement (paragraph 0001).
02. Savage is concerned with decreasing the number of resources required for services by automating processes (paragraphs 0009 and 00023).
03. The billing system supports the processes of marketing, customer care, bill calculation, retail company bill aggregation, statement generation, receivables management, and settlements (paragraph 0061).
04. The customer information system maintains customer profile information. The customer profile information includes a transaction history of all of the goods and services purchased by the customer (paragraph 0076). The customer is associated with the supplier's information in the bill calculation system (paragraph 0094).
05. The usage database compiles energy usage data and creates and sends a flat file of usage and meter detail to the bill calculator (paragraph 0094). The bill calculation module receives usage

1 data. For example, raw energy usage in kilowatt hour for used
2 electricity or gas is received from an energy vendor and placed on
3 the bill. The bill calculation module converts the usage data into a
4 rated bill (paragraph 0098). Bill calculation by computer systems
5 114 of financial institution 100 involves receiving and validating
6 energy usage data feed, for example, from a vendor 140, such as
7 energy retailer 104 shown in FIG. 1, automatically calculating
8 charges and taxes based on the energy pricing parameters of the
9 energy retailer 104, and generating usage, accounting, and
10 settlement reports to the energy retailer 104 (paragraph 0055).

11 06. The system collects all charges associated to the customer and
12 aggregates them on to a single bill. The bill is delivered to the
13 customer in the customer's desired format. The bill format is
14 available in both paper and electronic forms (paragraph 0110).

15 07. If energy usage is in dispute, a meter re-read request is
16 submitted to a vendor technician who re-reads the customer's
17 meter and logs the re-read data in to the wires and pipes database
18 (paragraph 0088).

19 *Carlin*

20 08. Carlin is directed to a system and method for distributed hybrid
21 mail (column 1, lines 7-10).

22 09. Mail production facilities merge fixed and variable information
23 to create fully integrated mail. The integrated mail image is
24 printed and distributed (column 5, lines 17-29).

10. Mailing data is sorted based on zip code information. Mail production facilities print mail based on the nearest proximity to the listed zip code (column 4, lines 52-65). This sorting by zip code enables taking advantage of postage discounts and processing efficiencies (column 3, lines 53-63).

ANALYSIS

Claims 1-5 and 8-16 rejected under 35 U.S.C. § 103(a) as unpatentable over Savage.

We are unpersuaded by the Appellant's argument that Savage fails to describe the computers processing payments and allocating payments to pay service providers in claim 8. As the Examiner found,

Savage teaches that the account management system maintains the payment hierarchy by determining business rules and allocating payment to products (paragraph 0096). Savage further teaches calculating the charges (paragraph 0096). Savage further teaches that the user that the user receives a bill with the various payment amounts from different billers (paragraph 0110 and Figs. 24-29). Savage then teaches a payment processing system which receives payment and posts the payment to the appropriate accounts including forwarding payment to clients (paragraph 0110; Examiner notes this is analogous to allocating payment based on the billing and payment information to pay the service providers, i.e. long distance carriers, etc.).

Answer 6.

We are unpersuaded by the Appellant's argument that Savage fails to describe the data mining and using those results in claims 17 and 18. As the Examiner found:

1 Savage teaches that advantages of the system include upselling
2 customers of the financial institution's clients to become credit
3 card customers and maximizing data mining opportunities
4 across the system (paragraph 0013). Savage teaches that the
5 financial institution's revenues are increased through marketing
6 and information data mining in which marketing information
7 includes customer information and payment information
8 (paragraph 0020-0021 and 0060-0061 and 0063). Examiner
9 notes that Appellant states the advantage of the claim limitation
10 is that customers benefit by receiving one (or a fewer number)
11 of integrated bills which provide them valuable information to
12 optimize their selection of providers in each tier in a vertical
13 multi-tier service (see Appeal Brief, page 10). Similarly,
14 Savage teaches incentivizing users by allowing them to have
15 combined billing in dealing with various providers including
16 add on or supplemental offers (paragraphs 0018-0021 and
17 0060-0061 and 0063).

18 Answer 6-7.

19 The Appellant made no arguments in support of the remaining claims.

20 *Claims 6 and 7 rejected under 35 U.S.C. § 103(a) as unpatentable over*
21 *Savage and Carlin.*

22 The Appellant made no arguments in support of these claims.

23 CONCLUSIONS OF LAW

24 The rejection of claims 1-5 and 8-16 under 35 U.S.C. § 103(a) as
25 unpatentable over Savage is proper.

26 The rejection of claims 6 and 7 under 35 U.S.C. § 103(a) as unpatentable
27 over Savage and Carlin is proper.

28 DECISION

29 To summarize, our decision is as follows.

- 1 • The rejection of claims 1-5 and 8-16 under 35 U.S.C. § 103(a) as
2 unpatentable over Savage is sustained.
- 3 • The rejection of claims 6 and 7 under 35 U.S.C. § 103(a) as
4 unpatentable over Savage and Carlin is sustained.

5 No time period for taking any subsequent action in connection with this
6 appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R.
7 § 1.136(a)(1)(iv) (2007).

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9 AFFIRMED

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